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OFFICE OF PETITIONS

In re Application of	:	
Chin, et al.	:	
Application No. 09/963,676	:	ON PETITION
Filed: September 27, 2001	:	
Attorney Docket No. BSX-219	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(a), filed August 23, 2004, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply within three months to the Office action mailed December 4, 2003. Accordingly, this application became abandoned on March 5, 2004. A Notice of Abandonment was mailed on July 12, 2004.

Petitioner contends the Office action was never received by applicant. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See *Withdrawing the Holding of Abandonment When Office Actions Are Not Received*; Notice 1156 Off. Gaz. Pat. Office 53 (November 16, 1993).

Petitioner has submitted the necessary statement and docket records that indicate non-receipt of the Office action. As such, the petition shall be treated as a petition under 37 CFR 1.181 and the holding of abandonment is withdrawn.

The \$110.00 petition fee, submitted August 23, 2004, will be refunded to deposit account no. 06-2375

This application is being forwarded to Technology Center 3700 for review of the amendment, filed August 23, 2004, *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)306-9200.

A handwritten signature in cursive script, appearing to read 'Ed J. Tannouse', followed by a horizontal line.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
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